

5

## Remarks:

Applicant thanks the Examiner for acknowledgement of the allowable subject matter.

10

The drawings were objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "31" (Figs. 1 and 7). Fig. 7 "liquid outlet" was mistakenly labeled 31, and has been changed to "9" to specify the conduit which is the liquid outlet. The drawings were further objected to as failing to comply with 37 CFR 1.84(u) because separate views shown

15

therein are not numbered with Figure numbers. These drawings and the specification have been corrected to show the separate views and the use of two lead lines from each reference numeral "14" and "15" has been corrected. Corrected drawing sheets in compliance with 37 CFR 1.121(d) have been submitted, and labeled in the top margin as either "Replacement Sheet" or "new Sheet".

20

The specification was objected to for a misspelling of less, which has been corrected.

The specification was also objected to for the statement on pages 5-6 that "Monitor/controller 16 sequences the opening and closing of valve 8, valve 7 and valve 5" as being questionable. The label "Monitor/controller 16" has been corrected to "Controller 31" to clarify the sentence. While the

25

Examiner points out that the controller 31 is only shown connected to or controlling only valve 8, it would be assumed that a person of ordinary skill in the art at the time the invention was made would understand a controller, such as a PLC or any other such controller, could be used to control multiple valves at the same time, and while the connecting wires from the controller to each specific valve hasn't been shown, it should be fairly apparent how a controller could be wired without cluttering up the drawings with reference wires. The specifications explain a sample of the valve sequencing, which a controller would be able to accomplish.

The specification is further objected to in failing to comply with 37 CFR 1.75(d)(1) because the new term "excavation" used in parent claim 12 does not have clear support or antecedent basis in the specification. The Applicant believed the term "excavation", while not specifically written, was well defined within the specification. Webster defines excavation as "a cavity formed by cutting, digging, or scooping." On page 2, line 12, "The present invention is a means to produce an intermittent pulse blast of liquid as a bullet to blast loose, demolition or make vacuum able substances such as earth, dirt or rock or chemical", page 2, line 23, "impact the solid thus

cracking or dislodging it.” as well as demolition itself being one form of excavation clearly meets the definition, hence the words definition was disclosed within the specification, and using an alternate word for the same meaning fails to meet the description of new material.

10       The abstract was objected to because it contains legal language. The word “means” has been changed to —method—to overcome the objection.

      The specification and abstract are now believed to be in allowable condition.

      Claim 21 has been rejected under 35 USC 112 (first paragraph) as  
15   failing to comply with the enablement requirement. While the Examiner points out that the controller 31 is shown connected to or controlling only valve 8, it would be assumed that a person of ordinary skill in the art at the time the invention was made would understand a controller, such as a PLC or any other such controller, could be used to control multiple valves at the  
20   same time, and while the connecting wires from the controller to each specific valve hasn’t been shown, it should be fairly apparent how a controller could be wired without cluttering up the drawings with reference wires. Therefore the Applicant believes the claim to be enabling.

Claims 12, 14, 16 and 18-21 have been rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The offending claims have been amended to avoid no proper antecedent  
10 basis and to clarify the claims and are now believed to be in allowable condition.

Claims 12, 14, 16 and 20 are rejected under 35 USC 102(b) as being anticipated by Voitsekhovsky et al. (US 3,412,554). '544 discloses a device for building up high pulse liquid pressures by having pressurized gas on one  
15 side of a piston and pumping in high pressure liquid on the other side of the piston. As the Examiner stated, '544 fails to disclose comprising the steps of: providing a vacuum conduit which is positioned in communication with said container and one or more said liquid dispensing orifice so as to position the suction end of said vacuum conduit within vacuum able  
20 relationship to a substance being made vacuum able by the impact of the dispensed liquid. Hence the Applicant believes the claims to be in allowable condition.


Claims 12, 14, 16 and 18 are rejected under 35 USC 102(b) as being anticipated by Lavon (US 4,195,885). '544 discloses a method and device

for breaking a hard compact material. As the Examiner stated, '885 fails to disclose comprising the steps of: providing a vacuum conduit which is positioned in communication with said container and one or more said liquid dispensing orifice so as to position the suction end of said vacuum conduit within vacuum able relationship to a substance being made vacuum able by the impact of the dispensed liquid. Hence the Applicant believes the claims to be in allowable condition.

"A claim is anticipated [under 35 USC 102 (b)] only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. vs. Union Oil Co. of California, 2 U.S.P.Q. 2d1051, 1053 (Fed. Cir. 1987), (emphasis added). See M.P.E.P. 2131.

In view of the foregoing amendments and remarks, Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted

  
LYNN A. BUCKNER  
424-413-7823